

REMARKS

Pursuant to 37 C.F.R. §1.111, reconsideration of the instant application, as amended herewith, is respectfully requested. Entry of the amendment is requested.

Claims 1-6 are presently pending before the Office. No claims have been canceled. Applicant has amended the specification and the drawings. No new matter has been added.

The Examiner's Action mailed September 8, 2004 and the references cited therein have been carefully studied by Applicant and the undersigned counsel. The amendments appearing herein and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is believed to be in condition for allowance.

Relying on 35 U.S.C. §112, second paragraph, the Office has rejected the subject matter of claim 1 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner alleges that the term "elongate bar lacks antecedent basis. Applicant respectfully traverses the rejection and requests reconsideration.

Applicant notes that the first time this term is used is in line 8 of claim 1; however, it is prefaced at the end of line 7 with the phrase "a spaced-apart" (emphasis added). Therefore, Applicant submits that this rejection is in error and respectfully request the Examiner to withdraw the rejection and allow claim 1 as noted in section 6 of the Office Action entitled "Allowable Subject Matter."

Upon review of the Office Action attachment, Applicant notes that the Examiner has not returned an initialed copy of PTO/SB/08A submitted as part of an IDS on November 20, 2003. Applicant respectfully asks that the Examiner note his consideration of the patent to LIN attached to the IDS. A courtesy copy of the PTO form and patent to LIN, along with a copy of the postcard and express mail certificate for the submission of the IDS in a timely manner, are attached herein for the convenience of the Examiner.

In section 1 of the Office Action, the Examiner has objected to the drawings requesting that the "elongate bar" be numbered. Applicant herein amends Fig. 1 by adding number 8a to the Fig. 1 with a lead line pointing to the elongate bar and a replacement formal drawing is attached herein. Withdrawal of this objection is respectfully requested.

In section 2 of the Office Action, the Examiner has objected to the drawings alleging that enumerated items 1, 2, 7, 10, 11, 15, 57, 61, C, B, A, Beta range and Alpha range are not described in the specification.

Applicant notes that item 57 is mentioned in the specification in line 1 of page 7; therefore, no amendment to the specification or drawing is required.

Applicant also notes that the terms Beta range and Alpha range are mentioned in the specification in respective lines 11 and 12 on page 7; nevertheless, Applicant amends the specification herein to use the actual Greek symbols.

Applicant deletes the numerals 2 from Fig. 1, and 10 and 11 from Figs. 4a and 5a.

The specification has been amended to include the remaining numerals as described above.

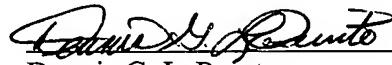
In section 3 of the Office Action, the Examiner has objected to the drawings alleging that the support tube component described on page 6, line 13 is not enumerated in the drawings. Applicant has amended the specification to delete the term referred to by the Examiner.

CONCLUSION

A Notice of Allowance is earnestly solicited. If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the application in condition for allowance, a telephone call to the undersigned at (727) 538-3800 would be appreciated.

Very respectfully,

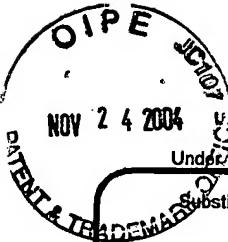
Dated: 11/24/04



Dennis G. LaPointe
Mason Law, P.L.
17757 U.S. Hwy. 19 N., Suite 500
Clearwater, FL 33764
(727) 538-3800
Reg. No. 40,693

Enclosure: Courtesy Copy of IDS PTO/SB/08A form, patent US 5352171 and proof of submission on November 20, 2003.

m0409004.3621c002A.response to nonfinal office action.doc



NOV 24 2004

PTO/SB/08A (04-03)

Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
to a collection of information unless it contains a valid OMB control number.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTC

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary.)

Sheet 1 of 2

Complete if Known

Application Number	10/668,414
Filing Date	September 23, 2003
First Named Inventor	Brian Hyder
Art Unit	
Examiner Name	

Sheet 1 of 2 Attorney Docket Number 3621.002A

U. S. PATENT DOCUMENT

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



DRAWING AMENDMENT

IN THE DRAWINGS:

Applicant herein amends Fig. 1 by adding number 8a to the Fig. 1 with a lead line pointing to the "elongate bar" and a replacement formal drawing is attached herein. Applicant also add numeral 8a to Figs. 4b, 5a and 5b.

Applicant herein deletes numeral 2 from Fig. 1 (two instances), and numerals 10 & 11 from Figs. 4a and 5a. Applicant also adds -- 54-- to extension of lower rocking bar member extending to the seat 55 in Fig. 1.

The replacement sheets for the above Figs. is attached herein on separate sheets.